

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
MACON DIVISION**

MANDRIEZ RAMON SPIVEY,

Plaintiff

VS.

GD&CP, *et al.*,

Defendants

NO. 5:11-CV-262 (MTT)

**ORDER**

Before the Court is *pro se* Plaintiff **MANDRIEZ SPIVEY'S** motion for reconsideration of this Court's July 11, 2011 dismissal of the instant 42 U.S.C. § 1983 lawsuit (Doc. 10). The Court dismissed Plaintiff's complaint alleging that he had been denied "parole process," in part because a prisoner has no constitutional right to parole in Georgia and, even if there were such a right, Plaintiff's claim would lie against the Georgia Board of Pardons and Paroles (the "Board") or its members.

In his motion for reconsideration, Plaintiff states that the Defendant Georgia Diagnostic and Classification Prison employees have denied Plaintiff the opportunity to "participate in the Georgia Diagnostic Classification Process." Specifically, Plaintiff claims that he was not given classes that are required before parole can be assessed, a pre-release DNA swab, and "all other information ob[tain]ed by the [Board] from all inmates before parole can be granted." Plaintiff states that he is being forced to serve his maximum sentence "without the express consent or knowledge of the Parole Board."

Plaintiff cites no authority for his position that the Defendants are responsible for facilitating his consideration for parole by the Board. Indeed, O.C.G.A. § 42-9-45(a) provides that the Board's consideration of inmates for parole is automatic – no application is required. **See also** Ga. Comp. R. & Regs. r. 475-3-.05(1). It is thus the responsibility of the Board to institute the parole process and to seek and obtain whatever information it deems appropriate for consideration of Plaintiff for parole.

Based on the foregoing, Plaintiff's motion to reconsider is **DENIED**.

**SO ORDERED**, this 4th day of August, 2011.

S/ Marc T. Treadwell  
MARC T. TREADWELL, JUDGE  
UNITED STATES DISTRICT COURT

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